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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,573	10/25/1999	ALAN S. FISHER	20425.00510	2067

7590 08/12/2004	EXAMINER

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PATEL, JAGDISH

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/426,573	FISHER ET AL.
	Examiner	Art Unit	
	JAGDISH PATEL	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 April 2004_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _15-24_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _15-24_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _4/12/04, 7/19/04_.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1. This communication is in response to amendment filed

   4/15/04.

Response to Amendment

2. Amended claims 15 and 20 have been recorded.

Response to Arguments

3. Applicant's arguments with respect to claim rejections under 35 have been rendered moot in view of the new ground of rejection.

4. This office action is a non-final office action as a result of a new ground of rejection not necessitated by the applicant's amendment.

5. However, the applicant's arguments traversing the examiner's interpretation of limitation "common carrier information" system are not persuasive. The applicant does not provide what functionality is imparted to the claimed structural elements by this limitation. The examiner has applied the test: does a system element, which recites this limitation, depend on the limitation to perform the claimed functionality? As an example, the status query means would carry out the stated function of automatically requesting status information relating to a commerce-related event regardless of whether the system is a "common carrier information" system or any other information system. This is so because the no structural relationship is claimed that relate the status query means to the "common carrier information" system. Based on this assertion the examiner maintains the previously stated rejection on this basis wherever applied. (see the applicable statements below).

Claim Rejections - 35 USC § 103

6. <u>Claims 15-24</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over Linstead et

al (US Pat. 5,548,753) (Linstead) and further in view "E-commerce: Computer Associated announces

CA-OpenIngres/ICE, providing Web enabled access to corporate data", EDGE, on & about AT&T, v10,

n386, p19(1) published Dec 11, 1995. (E-commerce).

Claim 15: Linstead teaches a method to provide update
information, the method including:

Storage means, for storing the status information relating
to the commerce-related event;   (col. 3 L 13-23, 4th dimension database, col. 7 L 15-
47, the application program or externals..writes a record into the predetermined storage location or table
upon occurrence of a predetermined database system, refer to the storage means (4th dimension
database) as applied to communication of status of a purchase order as a commerce related event);

status information retrieval means for automatically
retrieving said status information from the common carrier
information system via the network and providing the status
information to the storage means (Col. 5 L 2-9, the AOCE portion 34..data and other
information to be conveyed on the connecting network 10..includes a messaging portion for controlling
receipt, transmission and formatting messages.., Col. 7 L 15-47, ..the daemon process..detects this
record and in response automatically informs the supervisor..);

message generation means for automatically generating a
status message reflective of said status information stored in
the storage means (Col. 5 L 26-42, refer to "messaging portion 36" which produces an
electronic mail message, note that the messaging portion is in communication with the 4b database 28 as
shown in figure 2 and the status information is stored in the 4D database 28, Col. 7 L 15-47, the daemon
process..detects this record and in response automatically informs the supervisor..automatically prepares
an electronic mail message to the preparer of the purchase order and any other users who may be
interested);

message forwarding means for automatically forwarding said
status message to a point where it may be accessed by an
interested party. (Col. 5 L 26-42,.."the electronic mail message is then conveyed from the
processing system 24 to the specified recipients.) Col. 7 L 15-47 the daemon process..detect this record
and in response automatically informs the supervisor..automatically prepares an electronic mail message
to the preparer of the purchase order and any other users who may be interested).

Linstead fails to teach a status query means for automatically requesting status information relating to a commerce-related event.

The E-commerce reference teaches an update processing and transmission process which comprises: a status query means for automatically requesting status information relating to a commerce-related event via a network (see page 1, the E-commerce system inherently shows automatic notification of changes in the relevant information changes (interpreted as changes in the customer order status). This process requires that the status information be periodically monitored i.e. queried such that the system would generate an e-mail message whenever a user's order is fulfilled as clearly stated. Furthermore E-commerce comprises a host-based data sources and thus the query means request the status information over a network such as the Internet as explicitly disclosed.)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a status query means automatically maintain the information current consistent with the changes in the status as occurring in real-time.

Linstead further does not expressly show that the status information retrieval means retrieves the status information from a system which is a "common carrier information" system.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the functionality of the status information retrieval means, i.e. the letter would perform the retrieval of the status information regardless of the information system or database system. Thus, the presence of the term "common carrier information system" is interpreted as nonfunctional descriptive material and it will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217, USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the Linstead include a status information retrieval means for automatically retrieving the status information from any type of information system via the network because the type of system from which the information is retrieved does not functionally relate to the status information retrieval means and consequently patentably distinguish from the cited prior art as discussed.

Claim 16 and 21: Linstead fails to teach that the status information relates to shipment of an item. However these

differences are only found in the nonfunctional descriptive
material and are not functionally involved in the functionality
of any element of the update processing and the transmission
system. None of the elements of the system   would perform any
different whether the status information relates to shipment of
item or any other commercial event.

Please refer to claim 15 analyses for further treatment of the nonfunctional
limitation of the claim.

Claim 17 and 22: Said status information retrieved by said
status information retrieval means is contained on a second
computer physically remote from a first computer on which said
status information is stored and accessible via the network.

(refer to Fig. 1 which shows a server 12 having the status database "4D" and
which is connected a remote computer "PRIME" which accesses the status information
via a network 20)

Claims 18 and 23: .. status information is stored on a
status information database within a first computer.

(Refer to Fig. 1 and pertaining description at col. 3 and 4)

Claim 19 and 24: Further comprising a status information
database for separately storing status information.

(Refer to Fig. 2 "4D database" which stores status information (occurrence of a
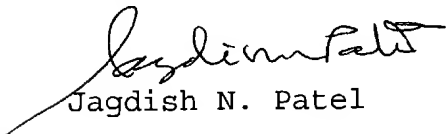predetermined event as explained at col. 3 L 13-30))

Conclusion

The prior art made of record and not relied upon is
considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to JAGDISH

PATEL whose telephone number is (703)308-7837. The examiner can

normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Vincent Millin can be
reached on (703)308-1065. The fax phone number for the
organization where this application or proceeding is assigned is
703-872-9306.

Information regarding the status of an application may be
obtained from the Patent Application Information Retrieval
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access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Jagdish N. Patel

(Primary Examiner, AU 3624)

8/9/04